



#8/85  
1210-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brian K. Estabrook et al.  
Serial No.: 09/522,160  
Filing Date: 03/09/00  
Title: PORT DEVICE FOR SUBCUTANEOUS  
ACCESS TO THE VASCULAR SYSTEM  
OF A PATIENT

Group Art Unit: 3763

Examiner: Kathryn L. Assadi

Attorney's Docket No.: PROSL-7

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

November 27, 2002

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 11/27/02

(SIGNATURE)

November 27, 2002

(DATE OF SIGNATURE)

RESPONSE

This is in response to the outstanding Office Action in the  
above-identified application.

PROSL-7

Claims 1-30 stand subject to a restriction requirement under 35 U.S.C. §121 as follows:

Group I - Claims 1-25 and 28-30, drawn to a port device, classified in class 604, subclass 288.01; and

Group II - Claims 26-27, drawn to a locking tool, classified in class 604, subclass 103.03.

The Examiner also indicated that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: claims 1-17

Species 2: claim 8

Species 3: claims 9-14

Species 4: claim 15-16

Species 5: claims 17-22

Species 6: claims 23-25

Species 7: claims 28-29

Species 8: claim 30.

Applicants believe that the Examiner intended to state that claims "1-7", and not "1-17", are directed to Species 1. If this is incorrect, clarification is respectfully requested.

In response, Applicants hereby elect, without prejudice, to prosecute the invention of Group I, drawn to a port device, classified in class 604, subclass 288.01; and Applicants elect Species 6, claims 23-25.

Applicant expressly reserves the right to prosecute all non-elected subject matter in related applications.

Respectfully submitted,

 11/27/02

Mark J. Pandiscio

Registration No. 30,338

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No.: (781) 290-0060

KT/PROSL7.CLM